

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

OSCAR GARNER,)
)
Plaintiff,)
)
v.) No. 4:21-CV-00004 JAR
)
DR. VALERIE WALKER, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff Oscar Garner brings this action pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to his medical needs, and specifically his lactose intolerance, during his incarceration at the St. Charles County Department of Corrections. Among the named defendants is Valerie Walker, M.D., whom Plaintiff seeks leave to depose. (Doc. No. 67).

While prisoner plaintiffs have a right to discovery to assist their cases, they do not necessarily have a right to take oral depositions of prison officials and there are compelling reasons to deny such a request, such as the disruption of prison administration and security concerns. However, with the Federal Rules of Civil Procedure permitting both oral depositions and depositions by written questions, see Fed. R. Civ. P. 30, 31, courts in this district and throughout the country have permitted inmate-plaintiffs to take depositions of prison officials by written questions. Derby v. Wiskus, No. 4:19-CV-02271-SRC, 2021 WL 2187915, at *2 (E.D. Mo. May 28, 2021) (citing cases). The Court will, therefore, grant Plaintiff leave to depose Defendant Dr. Walker by written questions pursuant to Rule 31.

If Plaintiff chooses to proceed in this manner, he may submit a list of questions to counsel for Dr. Walker. Plaintiff must also file a notice of deposition. Dr. Walker shall write out answers

to the questions provided by Plaintiff and swear to their truthfulness by verification. If Dr. Walker has a legal objection to certain questions, she can assert them and if Plaintiff disagrees, he can file a motion to compel the answer.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's "Motion to Grant Plaintiff to do a Deposition of Valerie Walker (Defendant)" is **GRANTED in part** and **DENIED in part** in accordance with the rulings herein.

Dated this 31st day of August, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE